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OCT 31 2005

**OFFICE OF PETITIONS**

In re Patent No. 6,794,869 :  
Issued: September 21, 2004 :  
Application No. 09/682,699 : DECISION REGARDING PTA  
Filed: October 5, 2001 :  
Atty. Dkt. No.: GEMS8081.060 :

This decision is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)," filed November 22, 2004.

The request for reconsideration of patent term adjustment under 37 CFR 1.705(d) is **GRANTED**.

Patentee requests that the Determination of Patent Term Adjustment be corrected from the zero day determination indicated on the Letters Patent to a determination of 70 days.

The Office initially determined a PTA of 70 days in accordance with 37 CFR 1.702(a)(1). Prior to issuance of the patent, the Office reduced the adjustment 84 days under 37 CFR 1.704(c)(10) in connection with drawings that were submitted June 30, 2004.

Applicant argues that the reduction of 84 days is in error. The Notice of Allowability, mailed June 4, 2004, required new formal drawings in compliance with the Official Draftsperson's Review dated May 26, 2004. The Draftsperson's review required applicant to delete page numbers 35-44 from the bottom margins of the drawing sheets. Applicant argues that the drawings as originally submitted did not contain page numbers at the bottom margins. Applicant further argues that the page numbers would have to have been later added by the Office as the drawings submitted did not contain such numbering.

Applicant's argument has been carefully considered and found convincing. A review of the original application papers filed via the Electronic Filing System reveals that, as argued by applicant, the bottom margins of the drawing sheets do not contain any numbering.

Accordingly, the requirement for formal drawings did not result from an omission on the part of applicant. Accordingly, submission of the formal drawings June 30, 2004 is not deemed,

in this instance, to constitute a failure to engage in reasonable efforts to conclude prosecution within the meaning of 37 CFR 1.704(c)(10).

Accordingly, the patent is entitled to an adjustment of 70 days, as argued by applicant.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 70 days.

The Office acknowledges submission of the required application fee of \$200.00.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

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CC: Draft Certificate of Correction